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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,204	11/16/1999	DAVID VERCHERE	56490.000002	3995

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EXAMINER

POND, ROBERT M

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 12/05/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

7/18

**Office Action Summary**

Application No.

09/441,204

Applicant(s)

VERCHERE, DAVID

Examiner

Robert M. Pond

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09/04/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Applicant's Remarks***

The applicant's remarks have been fully considered and after due diligence they have been found moot and worthy of rejection in view of new references cited. The U.S. Patent and Trademark Office withdraws the previous non-final action and apologizes to the applicant for any inconvenience incurred.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4, 6-9, 11-14, 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chelliah et al, patent number 5,710,887, in view of PR Newswire ("PromoMart.com Inventory Doubles in Size," 20 January 1999, 04073674 Dialog File 20: World Reporter).

Chelliah et al discloses a system and method of providing electronic commerce as supported by a system shown in Fig. 1 that provides a computer architecture that can accommodate a wide variety of electronic commerce implementations that facilitate online purchases of products and services. Participants include customers, resellers, manufacturers, distributors, retailers, vendors, media partners, business partners, or whole sellers (see at least col. 7, lines 24-28) access a plurality of

electronic storefronts over a communications network (see at least abstract; col. 2, lines 36-67; col. 3, lines 1-3) to access information on branded or non-branded products and support services stored in databases (see at least col. 7, line 13; col. 10, lines 56-67). Chelliah et al implements a plurality of storefronts accessible by participants (see at least col. 7, lines 46-48) and supported by an internal purchasing system that connects to business partners' external commerce subsystems that provide financing, shipping, insurance, or other order fulfillment services (see at least col. 8, lines 34-67; col. 9, lines 1-24). Any participant can establish a storefront for the purpose of posting content related to a particular industry, such as the promotional products industry, or the participant's specific set of products and services (see at least col. 5, lines 65-67; col. 6, lines 1-3), and the marketing thereof (see at least col. 6, lines 59-65).

Chelliah et al teaches a system and method for sourcing and procuring products and services but does not teach products having a customer's personal brand or logo for purchase, an artwork library for storing customer's logo and branding artwork, and business partner educational content. PR Newswire teaches PromoMart.com as the most comprehensive online source of imprinted business gifts on the Web featuring products having a customer's personal brand or logo for purchase. Inherent in the system and method provided by PromoMart.com is an artwork library for storing the customer's name, logo, branding artwork, and or message. PR Newswire further teaches online links to promotional products experts that specialize in promotion planning, product suggestions, and advice. Therefore, it

would have been obvious to one of ordinary skill at time of the invention to modify the system of Chelliah et al to incorporate an artwork library for customer branding and access to educational material as taught by PR Newswire, in order to significantly improve the ease of creating branded promotional products, improve customer and reseller knowledge of promotional product uses, and facilitate ease of branded product sourcing and acquisition.

2. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chelliah et al, in view of PR Newswire, and in further view of Giovannoli, patent number 5,758,328.

Chelliah et al and PR Newswire teach a system and method that supports a bidding module as a commerce subsystem (see Chelliah et al, col. 8, lines 34-67; col. 9, lines 1-25) but does not teach a bidding module for allowing resellers and customers to present orders to vendors. Giovannoli teaches a system and method implemented over a communications network that connects buyers with vendors for processing requests for quotation for goods and services (see at least abstract; col. 1, line 21). Fig. 4 shows buyers posting requests for quotations over the World Wide Web to vendors (see at least col. 2, lines 35-67; col. 3, lines 1-21). Therefore, it would have been obvious to one of ordinary skill at time of the invention to modify the system and method of Chelliah et al and PR Newswire to incorporate a bidding module as taught by Giovannoli, in order to provide customers and resellers cost effective ways to source and procure promotional products and services.

3. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chelliah et al, patent number 5,710,887, in view of PR Newswire ("PromoMart.com Inventory Doubles in Size," 20 January 1999, 04073674 Dialog File 20: World Reporter), and in view of Giovannoli, patent number 5,758,328.

Chelliah et al discloses a system and method of providing electronic commerce as supported by a system shown in Fig. 1 that provides a computer architecture that can accommodate a wide variety of electronic commerce implementations that facilitate online purchases of products and services. Participants include customers, resellers, manufacturers, distributors, retailers, vendors, media partners, business partners, or whole sellers (see at least col. 7, lines 24-28) access a plurality of electronic storefronts over a communications network (see at least abstract; col. 2, lines 36-67; col. 3, lines 1-3) to access information on branded or non-branded products and support services stored in databases (see at least col. 7, line 13; col. 10, lines 56-67). Chelliah et al implements a plurality of storefronts accessible by participants (see at least col. 7, lines 46-48) and supported by an internal purchasing system that connects to business partners' external commerce subsystems that provide financing, shipping, insurance, or other order fulfillment services (see at least col. 8, lines 34-67; col. 9, lines 1-24). Any participant can establish a storefront for the purpose of posting content related to a particular industry, such as the promotional products industry, or the participant's specific set of products and services (see at least col. 5, lines 65-67; col. 6, lines 1-3), and the marketing thereof (see at least col. 6, lines 59-65).

Chelliah et al teaches a method for products and services but does not teach products having a customer's personal brand or logo for purchase, an artwork library for storing customer's logo and branding artwork, and business partner educational content. PR Newswire teaches PromoMart.com as the most comprehensive online source of imprinted business gifts on the Web featuring products having a customer's personal brand or logo for purchase. Inherent in the system and method provided by PromoMart.com is an artwork library for storing the customer's name, logo, branding artwork, and or message. PR Newswire further teaches online links to promotional products experts that specialize in promotion planning, product suggestions, and advice. Therefore, it would have been obvious to one of ordinary skill at time of the invention to modify the system of Chelliah et al to incorporate an artwork library for customer branding and access to educational material as taught by PR Newswire, in order to significantly improve the ease of creating branded promotional products, improve customer and reseller knowledge of promotional product uses, and facilitate ease of branded product sourcing and acquisition.

Chelliah et al and PR Newswire teach a system and method that supports a bidding module as a commerce subsystem (see Chelliah et al, col. 8, lines 34-67; col. 9, lines 1-25) but does not teach a bidding module for allowing resellers and customers to present orders to vendors. Giovannoli teaches a system and method implemented over a communications network that connects buyers with vendors for processing requests for quotation for goods and services (see at least abstract; col. 1, line 21). Fig. 4 shows buyers posting requests for quotations over the World Wide

Web to vendors (see at least col. 2, lines 35-67; col. 3, lines 1-21). Therefore, it would have been obvious to one of ordinary skill at time of the invention to modify the system and method of Chelliah et al and PR Newswire to incorporate a bidding module as taught by Giovannoli, in order to provide customers and resellers cost effective ways to source and procure promotional products and services.



### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:


- "Calcomp, PictureMall.com Announce Strategic Marketing Partnership; Creation Station Users Can Link Directly to PictureMall.com and Receive Special Pricing on Products," Business Wire, 16 June 1998; 01943255 Dialog File 20: World Reporter; teaches a one-stop web site for ordering unique personalized gifts and photographic prints using customer-supplied digital pictures, logos, graphics or scans.
- "Promotional Marketing Strategies a Click Away With PromoMart's IDEA Store," Business Wire, 17 September 1999; 07278306, Dialog File 20: World Reporter; teaches PromoMart's IDEA store that provides case histories and educational content that describe successful promotions.
- "Golf Products on PromoMart Increase Exposure at Golf Tournaments," PR Newswire, 26 May 1998; 01726244 Dialog File 20: World Reporter; teaches branded promotional products offered through PromoMart.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

RMP  
November 29, 2001

  
WYNN COGGINS  
SUPERVISORY PATENT EXAMINER  
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